

TOWN OF ELIOT

INCORPORATED 1810

1333 STATE ROAD
ELIOT, MAINE 03903
439-1813

August 22, 2013

Gina McCarthy, Administrator
United States Environmental Protection Agency
Office of the Administrator
401 M Street, SW
Room 1200 WT\1101
Washington, DC 20460

Curt Spalding
United States Environmental Protection Agency
Region 1 - New England
5 Post Office Square
Mail Code: ORA
Boston, MA 02109-3912

Dear Administrator McCarthy and Regional Administrator Spalding:

On behalf of the Town of Eliot, Maine, the undersigned Eliot Board of Selectmen encloses a petition pursuant to section 126 of the Clean Air Act, 42 U.S.C. § 7426, seeking a finding that emissions from the coal-fired Schiller Station ("the Schiller Plant" or "the Plant") in Portsmouth, New Hampshire, are causing and significantly contributing to nonattainment of the 1-hour sulfur dioxide ("SO₂") primary National Ambient Air Quality Standard ("NAAQS") in the town of Eliot, Maine. Eliot also requests that, pursuant to section 126, the United States Environmental Protection Agency ("EPA") order the plant to discontinue such emissions.

To meet its attainment requirements for previous SO₂ NAAQS, the state of Maine has adopted a State Implementation Plan ("SIP"), a component of which effectively controls SO₂ emissions from sources within the town of Eliot, Maine. *See, e.g.*, 06-096-106 ME. CODE R. § 2(B). However, Eliot's ability to attain and maintain the 1-hour SO₂ NAAQS, promulgated by EPA on June 3, 2010, is prevented by the emissions from the Schiller Plant's coal-fired generating units. The stacks venting these emissions are located in Portsmouth, New Hampshire, on the Piscataqua River, right across the border from Eliot, Maine. The Plant, which began operating in 1949, has no SO₂ emission controls, allowing it to emit high levels of SO₂, causing and contributing to NAAQS exceedences in Eliot, Maine, particularly in South Eliot, but also throughout southern Maine, where Eliot residents travel, work, and recreate.

AERMOD modeling analyses demonstrate exceedences of the SO₂ NAAQS in the town of Eliot, Maine. Therefore, according to sections 110 and 126 of the Clean Air Act, the EPA should regulate the Schiller Plant to mitigate the significant impact of its emissions on the town

of Eliot, Maine by requiring reductions in SO₂ emissions at the Schiller Plant sufficient to remedy the Plant's significant contribution to the nonattainment and interference in maintenance of the SO₂ NAAQS. *See* 42 U.S.C. §§ 7410, 7426. It is critical that EPA address the impact of the Plant's emissions on the Town of Eliot's and southern Maine's ability to attain and maintain the SO₂ NAAQS, considering the severe health impacts of this pollutant. Further, any remedy chosen by EPA must ultimately lead to an actual reduction of emissions from the Schiller Plant sufficient to eliminate the facility's interference with Eliot, Maine's ability to attain the NAAQS.

Section 126(b) requires the Administrator to make a finding or deny a petition within 60 days of receipt of the petition and after a public hearing. The Town of Eliot, Maine respectfully requests that any public process related to this petition be held in Eliot. The citizens of Eliot, Maine who are being harmed by the emissions from the Schiller Plant should be accommodated and afforded every opportunity to participate in the associated public process.

I welcome the opportunity to discuss this matter with you. I can be contacted at 207-439-1813.

Sincerely,



Michael T. Moynahan
Chairman, Board of Selectmen
Eliot, Maine